

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

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No. 6:23-cv-00570

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**Matthew J. Kerns,**  
*Petitioner,*

v.

**294th District Court et al.**  
*Respondents.*

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**ORDER**

Petitioner Matthew J. Kerns, proceeding pro se, filed this mandamus proceeding. The case was referred to United States Magistrate Judge John D. Love.

The magistrate judge issued a report (Doc. 2) recommending that petitioner's mandamus petition be denied and that the case be dismissed with prejudice. The magistrate judge further recommended that should a certificate of appealability be required, it should be denied. A copy of this report was sent to petitioner at his last-known address via certified mail. The docket reflects that the mail was returned as undeliverable. Doc. 3. To date, petitioner has not filed objections or otherwise communicated with the court. The objection period has expired.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Petitioner's mandamus petition is denied, and this proceeding is dismissed with prejudice. A certificate of appealability is denied.

*So ordered by the court on March 27, 2024.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge